

CHAPTER 1

GENERAL ZONING PROVISIONS

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11-1-1: **FINDINGS; SCOPE:**

- A. Findings: The town council finds that the health, safety, and general welfare of the citizens of Basin will be best served by the regulation of construction and building in order to accomplish the statutorily authorized purposes of:
1. Lessening congestion in the streets;
 2. Securing safety from fire, panic, and other dangers;
 3. Providing adequate light and air;
 4. Preventing the overcrowding of land;
 5. Avoiding undue concentration of population; and
 6. Facilitating the provision of public services and facilities.

B. Scope: The town council, acting in light of the above findings, does hereby resolve that this title shall govern all building and construction within the town and shall, further, upon concurrent adoption by the Big Horn County board of commissioners govern all building and construction within the urban limit line adopted in the comprehensive plan for the town. (Ord. 392, 4-4-1977)

11-1-2: AUTHORITY:

This title is adopted under the authority of sections 15-1-601 through 15-1-611 Wyoming Statutes, as amended. (Ord. 392, 4-4-1977; amd. 2003 Code)

11-1-3: SEVERABILITY:

Should any portion of this title or the application of it to specific circumstances be held invalid in a court of competent jurisdiction the remainder of this title and its application to other circumstances shall remain unaffected. (Ord. 392, 4-4-1977)

11-1-4: CONCURRENT APPLICATION:

Where other ordinances of the town or standards of state or federal law apply to building or construction regulated by this title, the more restrictive shall govern. (Ord. 392, 4-4-1977)

11-1-5: DEFINITIONS:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

ADJACENT: All properties directly contiguous to a parcel under consideration as well as to any properties separated from said parcel by a public way.

COMMERCIAL: Land uses involving the purchase, sale or other transaction involving the handling or disposition of any article, substance, commodity, or service for livelihood or profit, or the ownership or management of office buildings, offices, recreational or amusement enterprises, or maintenance and use of offices by professionals.

CONSTRUCTION: Includes any addition expanding the lot coverage or height of any building as well as to the erection of new buildings and shall further apply to the development of parking lots or other "open air" projects.

DEQ: The Wyoming department of environmental quality or its successors.

DEVELOPMENT

PLAN: A plan which serves as a basis of discussion between the planning commission and a developer. It should be of sufficient clarity and detail to fully determine compliance with the provisions of this title but should, also, be subject to change in response to recommendations of the planning commission.

HOME

OCCUPATION: Any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof. There shall be no window display or other public display of any material or merchandise in connection with any home occupation. No sign shall be displayed on the premises advertising the occupation carried on in the home except one sign which shall not be more than two (2) square feet in area, and which shall be attached to the house.

INDUSTRIAL: Land uses involving the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

LOT: A lot shall be defined as numbered or otherwise described tract of land designated on a recorded deed of conveyance, plat and/or subdivision plat, and separated from other tracts, parcels or portions for the purpose of development or for the transfer of ownership, exclusive of public rights-of-way or private road easements.

MANUFACTURED

HOME: A transportable structure, including a mobile home, which exceeds either eight (8) body feet in width or thirty two (32) body feet in length, designed to be used with or without a permanent foundation, when connected to required utilities, for human occupation as a residence, or as a temporary or permanent office. The term may include one or more components which can be retracted for towing and

subsequently expanded for additional capacity, or two (2) or more units separately towable but designed to be joined into one single unit, as well as a transportable structure designed as a single unit. The mobile home is distinguished from other types of dwellings in that the building construction must conform to the United States department of housing and urban development's manufactured home construction and safety standards.

Mobile/manufactured homes that are older than June 15, 1976, will not be permitted anywhere within the town of Basin. Existing mobile/manufactured homes shall be considered as grandfathered and will be allowed unless or until they are considered a health and safety problem. At such time that a mobile/manufactured home is removed from the property, the property can no longer be occupied by a mobile/manufactured home unless it is of the appropriate age and if otherwise permitted within the area. Any and all mobile/manufactured homes located within the town of Basin must have an affixed manufacturer's certification as outlined in the code of federal regulations title 24, section 3280.11. See also definition of Mobile Home.

MOBILE HOME: A factory assembled movable dwelling over thirty two feet (32') in length and more than eight feet (8') in width, designed and constructed to be towed on its own chassis, comprised of frame and wheels. The mobile home is distinguished from other types of dwellings in that the building construction must conform to the United States department of housing and urban development's manufactured home construction and safety standards, and not to local building codes. Also, the specifications by which mobile homes are built include provisions for its mobility on its chassis. Mobile/manufactured homes that are older than June 15, 1976, will not be permitted anywhere within the town of Basin. Existing mobile/manufactured homes shall be considered as grandfathered and will be allowed unless or until they are considered a health and safety problem. At such time that a mobile/manufactured home is removed from the property, the property can no longer be occupied by a mobile/manufactured home unless it is of the appropriate age and if otherwise permitted within the area. Any and all mobile/manufactured homes located within the town of Basin must have an affixed manufacturer's certification as outlined in

the code of federal regulations title 24, section 3280.11. See also definition of Manufactured Home.

MOBILE HOME

PARK: An area occupied by three (3) or more mobile homes or mobile home spaces. A mobile home park is distinguished from a subdivision, in which lots are sold for the placement of mobile homes, by its being in one ownership.

MODULAR

CONSTRUCTION: A prefabricated home that is designed and built on an off site location. Modular homes are not constructed with a chassis comprised of frame and wheels for easy transport. They are, instead, designed to be placed at a permanent location. Modular homes also need to conform to local building codes. (Ord. 392, 4-4-1977; amd. 2003 Code; Ord. 581, 2-1-2010, eff. 2-12-2010)

11-1-6: BUILDING HEIGHTS:

No building shall exceed the height of the Big Horn County courthouse. (Ord. 392, 4-4-1977)

11-1-7: OPEN SPACE:

Planned residential developments may be exempted from the open space requirements on individual lots upon submission of a development plan to the planning commission which provides for adequate open space in common areas or neighborhood parks and parkways. The open space so provided must be accessible to a majority of dwellings in the development without street crossings. (Ord. 392, 4-4-1977)

11-1-8: ZONING COMPLIANCE PERMITS:

- A. **Permit Required:** A zoning compliance permit shall be required for all construction or building.
- B. **Permit Issuance:** Zoning compliance permits shall be issued by a designated zoning officer on forms approved by the planning commission.
- C. **Review Before Issuance:** All applications for zoning compliance permits in the industrial and commercial zones shall be reviewed by the planning commission as shall all applications for mobile home courts, planned residential developments and multiple-family dwellings.

- D. **Basis Of Review:** Review shall be based on a development plan submitted to the zoning officer at least five (5) working days prior to a regular planning commission meeting.
- E. **Issuance After Review:** After review of the development plan by the planning commission, the planning commission shall within sixty (60) days:
1. Approve the permit;
 2. Approve the permit with conditions;
 3. Reject the permit;
 4. Call a public hearing on the application at its next regular meeting. (Ord. 392, 4-4-1977)
- F. **Public Hearings:** In the event that a public hearing is called, the applicant shall publish notice of said hearing at least twice in the Basin Republican Rustler. The notice shall contain the location of the proposed development and a description of it. (Ord. 392, 4-4-1977; amd. 2003 Code)
- G. **Action After Hearing:** After a public hearing on an application for a zoning compliance permit, the planning commission shall:
1. Approve the permit;
 2. Approve the permit with conditions;
 3. Reject the permit. (Ord. 392, 4-4-1977)

11-1-9: **NONCONFORMING USES:**

Nonconforming uses may be maintained, repaired, remodeled, etc., and may be expanded so long as their nature is not changed in the expansion. (Ord. 392, 4-4-1977)

11-1-10: **VARIANCES:**

- A. **Application:** Application for a variance shall be made, in writing, to the zoning officer at least five (5) working days before a regular planning commission meeting. The application shall explain precisely from which standard a variance is sought and the reasons a variance is needed.
- B. **Action:** The planning commission shall review each application for a variance and shall within sixty (60) days:

1. Recommend that the variance be granted;
 2. Recommend that the variance be granted with conditions;
 3. Recommend that the variance be rejected; or
 4. Call a public hearing on the variance.
- C. Approval By Town Council: The town council shall, at the first regular meeting following any recommendation from the planning commission, either approve or disapprove any actions taken by the planning commission, with the exception that the planning commission may call a public hearing without approval of the town council. (Ord. 450, 3-3-1985)
- D. Public Hearing: In the event that a public hearing is called, the applicant shall publish notice of said hearing at least twice in the Basin Republican Rustler. The notice shall contain the location of the proposed development and a description of it. (Ord. 450, 3-3-1985; amd. 2003 Code)
- E. Action After Hearing: After a public hearing on an application for a zoning compliance variance the planning commission shall, subject to the approval of the town council:
1. Approve the permit;
 2. Approve the permit with conditions;
 3. Reject the permit. (Ord. 450, 3-3-1985)

11-1-11: **ZONE CHANGES:**

- A. Application: Application for a zone change shall be made, in writing, to the zoning officer at least five (5) working days in advance of a regular planning commission meeting. The application shall contain an accurate description of the area for which the change is requested and a description of the proposed use if the change is granted.
- B. Initial Consideration: At its initial consideration of the application for a zone change, the planning commission shall set a date for a hearing on the zone change. (Ord. 392, 4-4-1977)
- C. Notice: A hearing on a zone change shall be preceded by at least twenty (20) days' notice in the "Basin Republican Rustler" and by notice to all adjacent landowners by certified mail. Notice shall be at the expense of the applicant.

- D. Action: After the hearing on the proposed zone change, the planning commission shall within sixty (60) days:
1. Certify the change to the town council for inclusion on the official zoning map of the town.
 2. Recommend to the town council that the change be rejected.
- E. Hearing By Town Council: Upon receiving a certification or recommendation concerning a zone change, the town council shall, at its regular meeting, set the date for a public hearing on the proposed zone change. Such a hearing shall be preceded by at least fifteen (15) days' notice in the "Basin Republican Rustler". (Ord. 392, 4-4-1977; amd. 2003 Code)
- F. Action By Town Council: After holding its hearing on a proposed zone change, the town council shall within thirty (30) days:
- G. Accept the change by majority vote; or
- H. Reject the change by majority vote.
- G. Exceptions To Majority Vote Rule: Where the owners of twenty percent (20%) or more of the adjacent lots file a written protest to the change, at least seventy five percent (75%) of the members of the town council must vote in favor of the change to secure its adoption. (Ord. 392, 4-4-1977)

11-1-12: **APPEALS:**

- A. Appeals From Action Of Zoning Officer: Appeals from a decision by the zoning officer may be made, in writing, to the planning commission. Such appeals must be filed with the zoning officer at least five (5) working days before a regular meeting of the planning commission.
- B. Appeals From Action Of Planning Commission: Appeals from a decision of the planning commission may be made to district court as provided by section 15-1-609 of the Wyoming Statutes, as amended. (Ord. 392, 4-4-1977; amd. 2003 Code)

11-1-13: **ENFORCEMENT:**

- A. Zoning Officer: When any building or construction is begun without a zoning compliance permit, the zoning officer shall issue a stop work order to the property owner and notify the town attorney of the violation.

B. Town Attorney: Where a stop work order is violated, the town attorney shall use all appropriate legal means to enforce compliance with this title. (Ord. 392, 4-4-1977)

11-1-14: **SPLITTING PROPERTY:**

- A. Notification: All current and future residential owners of real property within the town of Basin must notify the town office of any proposed real property "split" located within the town of Basin. A "split" is defined as the sale or transfer of any portion of an existing lot or subdivided lot at the time of the enactment hereof within the town of Basin.
- B. Approval: All owners of real property requiring notification to the town of Basin must obtain the approval from the town of Basin, so as to ensure that each and every portion of the "split" property has access to any and all utilities or to ensure that an easement is in place so that said utilities can be run in the future, before said property "split" can be recorded.
- C. Easement: If the proposed "split" will create a situation where utilities to a portion of the property under the "split" cannot be placed, the owner(s) of the property must ensure that any and all necessary easement(s), said easement(s) to be a minimum of ten feet (10') in width, be put in place as part of the "split" before the town of Basin will approve said "split".
- D. Failure To Obtain Town Approval: If the owner(s) of the property fail to procure approval of any "split" after the enactment hereof, an easement, as described herein, shall be imposed against the property in question by the town of Basin or other utility, to be placed in a location at the town of Basin's discretion. (Ord. 553, 8-6-2007)

11-1-15: **PENALTY:**

Violations of this title shall be punishable as provided in section 1-4-1 of this code. Each day in which the violation continues shall be ruled a separate offense. (Ord. 392, 4-4-1977; amd. 2003 Code; Ord. 553, 8-6-2007)

CHAPTER 2

ZONES ESTABLISHED; REGULATIONS

SECTION:

- 11-2-1: Industrial Zone
- 11-2-2: Commercial Zone
- 11-2-3: Mixed Residential Zone
- 11-2-4: Residential Zone
- 11-2-5: Residential Holding Zone
- 11-2-6: Mobile Home Parks
- 11-2-7: Political Subdivision Zone
- 11-2-8: Mixed Agricultural Zone
- 11-2-9: Recreation Zone

11-2-1: **INDUSTRIAL ZONE:**

- A. Delineation: The limits of the industrial zone shall be shown on the official zoning map of the town.
- B. Purpose: The industrial zone is established for the purpose of providing an area for industrial use where other uses which may limit the normal scope of industrial operations are secondary.
- C. Uses; Permitted/Prohibited: Commercial and industrial land uses are permitted in the industrial zone excepting the following which are excluded from the town limits:

Commercial livestock operations.

Oil refineries.

Power generating stations (except solar or wind).

Rendering plants.

Any other industry ruled unsuitable due to odor, glare, noise, safety and health hazards, etc. (Ord. 392, 4-4-1977)

11-2-2: COMMERCIAL ZONE:

- A. Delineation: The limits of the commercial zone shall be shown on the official zoning map of the town.
- B. Purpose: The commercial zone is established for the purpose of providing an area for commercial use where other uses are secondary and where adequate parking may be provided by new commercial establishments.
- C. Uses Permitted; Exceptions: All land uses are permitted in the commercial zone except industrial uses and the pasturing, feeding, or stabling of livestock.
- D. Uses Discouraged: Although residential use of the land within the commercial zone is not prohibited, it is discouraged.
- E. Landscaping: New commercial establishments shall be landscaped in order to maintain the attractiveness of the town. (Ord. 392, 4-4-1977)

11-2-3: MIXED RESIDENTIAL ZONE:

- A. Delineation: The limits of the mixed residential zone shall be shown on the official zoning map of the town.
- B. Purpose: The mixed residential zone is established to provide adequate areas for multiple-family and mobile home dwellings and to maintain the attractiveness of the town's residential neighborhoods.
- C. Uses Prohibited: Commercial and industrial uses are prohibited in the mixed residential zone excepting home occupations and mobile home parks.
- D. Uses Permitted: Uses permitted in the mixed residential zone include all kinds of residences, mobile home parks, home occupations, schools, and parks.
- E. Performance Standards: Uses in the mixed residential zone shall conform to the following performance standards:
 - 1. Lots: Lots shall contain at least five thousand (5,000) square feet of which forty percent (40%) shall remain open, except in mobile home parks. (Ord. 392, 4-4-1977)

2. Setbacks: No structure shall be located within five feet (5') of any other property line, or within twenty feet (20') of street side property line. (Ord. 405, 4-2-1979)
3. Skirting: Mobile homes shall be skirted with a material which harmonizes with their exterior structure and color.
4. Off Street Parking: Multiple-family dwellings shall provide at least one and one-half (1¹/₂) spaces of off street parking for each unit. (Ord. 392, 4-4-1977)

11-2-4: RESIDENTIAL ZONE:

- A. Delineation: The limits of the residential zone shall be shown on the official map of the town.
- B. Purpose: The purpose of the residential zone is provided an area for single-family dwellings free from the traffic and congestion of industry, commerce, and areas of mixed residential use. (Ord. 392, 4-4-1977)
- C. Uses Permitted: Single-family dwellings of conventional and modular construction, town houses, parks and home occupations are the only uses permitted in the residential zone. (Ord. 456, 8-5-1985)
- D. Performance Standards: The standards in subsections 11-2-3E1 and E2 of this chapter shall also apply in the residential zone. (Ord. 392, 4-4-1977)

11-2-5: RESIDENTIAL HOLDING ZONE:

- A. Delineation: The residential holding zone shall be designated on the official map of the town.
- B. Purpose: The purpose of the residential holding zone is to provide for large undeveloped areas within the urban limits line established in the comprehensive plan for the town.
- C. Operation: Lands within the residential holding zone may be placed either in the residential zone or the mixed residential holding zone upon application to the planning commission by their owner for such designation. Designation shall be made after a public hearing preceded by twenty (20) days' public notice. Notice shall be at the

11-2-5

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expense of the applicant and shall contain an accurate description of the lands involved and the designation being applied for. (Ord. 392, 4-4-1977; amd. 2003 Code)

11-2-6: MOBILE HOME PARKS¹:

All mobile homes and mobile home parks shall conform to subdivision standards per title 10 of this code and applicable state standards. No compliance permit shall be issued prior to DEQ approval of the plans and specifications. (Ord. 392, 4-4-1977; amd. 2003 Code)

11-2-7: POLITICAL SUBDIVISION ZONE:

- A. Delineation: The limits of any political subdivision zone shall be shown on the official map of the town.
- B. Purpose: The purpose of any political subdivision zone or zones is to provide an area for any political entity which receives tax funds and consists of an elected or appointed board. For example, the municipality, schools, highway department, Big Horn County, public parks, athletic fields, public tracks, fire district, and Wyoming retirement center. Any change in use other than what is established must be approved by the planning commission and town council. (Ord. 456, 8-5-1985)
- C. Uses Prohibited: Home occupations, mobile home parks and commercial and industrial uses are prohibited in any political subdivision zone. (Ord. 456, 8-5-1985; amd. 2003 Code)
- D. Performance Standards:
 - 1. Sidewalks: Sidewalks along the front of any buildings in the zone must be at least five feet (5') wide, and must adjoin any sidewalks and must connect sidewalks on any contiguous property.
 - 2. Location Of Structure: No structure shall be located off the property line.
 - 3. Lighting: Adequate lighting may be required by the planning commission.

1. See title 10, chapter 4 of this code.

4. **Traffic Devices:** Traffic devices must be erected as determined by the town council.
5. **Parking:** Adequate parking must be provided as determined by the town council.
6. **Landscaping:** Political entities shall make sure the property is landscaped in order to maintain the attractiveness of the town. (Ord. 456, 8-5-1985)

11-2-8: MIXED AGRICULTURAL ZONE:

- A. **District Created:** A zoning district indicated as mixed agricultural is hereby established.
- B. **Purpose:** The purpose of this zoning district is to allow for certain agricultural activities within the boundaries of the town of Basin.
- C. **Permitted Uses:** The mixed agricultural zoning district is established to allow for the growing of crops and the rearing, feeding, grazing and management of livestock within the boundaries of the town of Basin. This is not intended for large commercial livestock operations with heavy concentration of livestock but rather for light concentrations as appropriate for the lot size and can include hobby farm operations. The zone also allows for the development at a very low density of single-family detached dwellings and directly related complementary uses.
- D. **Uses Prohibited:** Commercial and industrial activities, as defined in and provided for in this title, are prohibited in the mixed agricultural zone.
- E. **Annexation:** Upon the annexation of real property by the town of Basin, the following shall apply with respect to real property zoned as mixed agricultural: Unless agreed to by the owners of the property annexed, there shall be no restrictions on the continuous use of the property by the owner or subsequent owner of an interest in the property, if the use was existing at any time within the year prior to the date of annexation and was lawful at the time the property was annexed. A use which has been discontinued for any one year period after the date of annexation shall not be considered continuous and not thereafter be reestablished unless in conformance with current law. See Wyoming Statutes section 15-1-401 et seq. (Ord. 577, 3-2-2009, eff. 3-2-2009)

11-2-9: RECREATION ZONE:

- A. Delineation: The limits of the recreational zone shall be shown on the official map of the town.
- B. Purpose: The purpose of the recreational zone is to create, preserve and maintain, free from other uses, an area for public open space, public parks, parkways, and public recreational facilities.
- C. Uses Permitted: Recreational uses for the benefit and use by the general public as defined above.
- D. Performance Standards: Performance standards for any particular use within the recreation zone are those that may apply to specific use in any other section of the zoning ordinance.
 - 1. Setbacks: No structure shall be located within five feet (5') of any other property line, or within twenty feet (20') of street side property line.
 - 2. Parking: Adequate on site or nearby parking shall be provided as determined by the planning commission.
 - 3. Lighting: Adequate lighting may be required as determined by the planning commission.
 - 4. Open Space: Adequate open space must be maintained and free of buildings as determined by the planning commission. (Ord. 587, 8-2-2010, eff. 8-12-2010)